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SENATE BILL 1019

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Lidio G. Rainaldi

AN ACT

RELATING TO INSTRUCTIONAL MATERIALS; REQUIRING LOCAL POLICIES THAT PROVIDE TEXTBOOKS TO EACH STUDENT FOR EACH CLASS THAT CONFORM TO CURRICULUM REQUIREMENTS AND THAT ALLOW STUDENTS TO TAKE THOSE TEXTBOOKS HOME.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-15-9 NMSA 1978 (being Laws 1967, Chapter 16, Section 213, as amended) is amended to read:

"22-15-9. DISTRIBUTION OF FUNDS FOR INSTRUCTIONAL MATERIAL.--

A. On or before April 1 of each year, the department shall allocate to each school district, state institution or private school not less than ninety percent of its estimated entitlement as determined from the estimated forty-day membership for the next school year. A school

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1 district's, state institution's or private school's entitlement
2 is that portion of the total amount of the annual appropriation
3 less a deduction for a reasonable reserve for emergency
4 expenses that its forty-day membership bears to the forty-day
5 membership of the entire state. For the purpose of this
6 allocation, additional pupils shall be counted as six pupils.
7 The allocation for adult basic education shall be based on a
8 full-time equivalency obtained by multiplying the total
9 previous year's enrollment by .25.

10 B. On or before January 15 of each year, the
11 department shall recompute each entitlement using the forty-day
12 membership for that year, except for adult basic education, and
13 shall allocate the balance of the annual appropriation
14 adjusting for any over- or under-estimation made in the first
15 allocation.

16 C. An amount not to exceed fifty percent of the
17 allocations attributed to each school district, state
18 institution or adult basic education center may be used for
19 instructional material not included on the multiple list
20 provided for in Section 22-15-8 NMSA 1978. The local
21 superintendent may apply to the department for a waiver of the
22 use of funds allocated for the purchase of instructional
23 material either included or not included on the multiple list.
24 If the waiver is granted, the school district shall not be
25 required to submit a budget adjustment request to the

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1 department. Adult basic education centers may expend up to one
2 hundred percent of their instructional material funds for items
3 that are not on the multiple list.

4 D. The department shall establish procedures for
5 the distribution of funds directly to school districts, state
6 institutions and adult basic education centers. Prior to the
7 final distribution of funds to any school district or charter
8 school, the department shall verify that the local school board
9 or governing body has adopted a policy that requires that every
10 student have a textbook for each class that conforms to
11 curriculum requirements and that allows students to take those
12 textbooks home.

13 E. The department shall provide payment to a
14 publisher or depository on behalf of a private school for
15 instructional material included on the multiple list provided
16 for in Section 22-15-8 NMSA 1978.

17 ~~[E.]~~ F. A school district, state institution or
18 adult basic education center that has funds remaining for the
19 purchase of instructional material at the end of the fiscal
20 year shall retain those funds for expenditure in subsequent
21 years. Any balance remaining in an instructional material
22 account of a private school at the end of the fiscal year shall
23 remain available for reimbursement by the department for
24 instructional material purchases in subsequent years."